

Attorney Docket No: 08702.0068-01000
PatentIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Genetics Institute, LLC
Application No.: 10/779,638 Examiner: Hope Robinson
Filed: February 18, 2004 Art Unit: 1656
For: METHODS AND COMPOSITIONS FOR HEALING AND REPAIR OF
ARTICULAR CARTILAGE
Confirmation No.: 9082

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

02/24/2006 SHASSEN1 00000107 060916 10779638

01 FC:1814 Sir: 130.00 DA

TERMINAL DISCLAIMER

I, David A. Manspeizer, represent that I am an Assistant Secretary empowered to act on behalf of Genetics Institute, LLC. Genetics Institute, LLC is the assignee of record, of the entire right, title, and interest in and to the invention in the subject application by virtue of Assignments recorded June 9, 2000 at Reel 014725, Frame 0261, and January 15, 2002 at Reel 012525, Frame 0446. Genetics Institute, LLC is also the assignee of record of U.S. Patent No. 6,727,224, by virtue of Assignments recorded June 9, 2000 at Reel 014725, Frame 0261, and January 15, 2002 at Reel 012525, Frame 0446.

On behalf of Genetics Institute, LLC, I hereby disclaim, except as otherwise provided herein, the terminal part of any patent granted on the subject application which would extend beyond the expiration date of the full statutory term, including statutory extensions thereof of U.S. Patent No. 6,727,224 for METHODS AND COMPOSITIONS FOR HEALING AND REPAIR OF ARTICULAR CARTILAGE, except to the extent that the term of this application No. 10/779,638 might be extended pursuant to the Drug Price Competition and Patent Term Restoration Act of 1984 (35 USC §156) or any other applicable act of Congress, and hereby agree that any patent so granted on the subject application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,727,224, this agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successors or assigns.

Genetics Institute, LLC does not disclaim any terminal part of any patent granted on the subject application prior to the expiration date of the full statutory term of U.S. Patent No. 6,727,224 in the event that such patent later expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a); has all claims cancelled by a reexamination certificate; is reissued; or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

Express Mail Label No. EY 755141832 US
Date of Deposit: 2/21/06
By: Katherine L. Staba

Attorney Docket No: 08702.0068-01000
Application No.: 10/779,638

Pursuant to 37 CFR 3.73(b), I have reviewed all the recordation information above or all documents in the chain of title of the subject patent application and, to the best of my knowledge and belief, title is in the assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of One Hundred and Thirty Dollars (\$130.00) is being filed with this disclaimer.

Genetics Institute, LLC

Date:

February 21, 2006

By 

Name: David A. Manspeizer
Title: Assistant Secretary for
Genetics Institute, LLC